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May 23, 2024

**Via ECF**

Hon. Michael E. Farbiarz, U.S.D.J.  
United States District Court, District of New Jersey  
Frank R. Lautenberg U.S. Post Office & Courthouse Building  
2 Federal Square  
Newark, NJ 07102

**RE: Stabile v. Macy's, Inc. et al**  
**Case No. 2:22-cv-06776-MEF-JSA**  
**Our File No. 2506.00135**

Dear Judge Farbiarz:

We represent Defendants Macy's, Inc. and Felicia Green-Hall (hereinafter "Defendants") in this civil action.

On January 12, 2024 Defendants filed a motion to compel arbitration and dismiss the complaint or alternatively to stay this action in favor of arbitration (ECF Doc. 28) and that motion has been fully briefed and is awaiting a decision from the Court. We write Your Honor requesting that you treat our pending motion as a seeking a stay rather than a dismissal in light of the Supreme Court's recent decision in *Smith v. Spizzirri*, No. 22–1218 (May 16, 2024).

Respectfully submitted,

BARTON GILMAN LLP

By: /s/ Steven Gerber  
Steven Gerber

SG/sc

cc: Leslie A. Farber, Esq. (via ECF)  
Rachel Drake, Esq. (via ECF)